IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6548 OF 2002

Smt.Nanda Ravindra Kangare : Petitioner

V/s.

State of Maharashtra & Ors. : Respondents

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Mr.R.K.Mendadkar for the petitioner.

Mr.C.R.Sonawane, Asstt. Govt. Pleader, for respondent nos.1 & 2.

Mr.Vineet B. Naik for respondent no.3.

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CORAM : S.RADHAKRISHNAN & S.A.BOBDE, JJ.

October 19, 2004.

P.C.:

1. Rule, returnable forthwith.

Mr.Sonawane, learned Asstt. Govt. Pleader for respondent nos.1 & 2 and Mr.Naik for respondent no.3, waive service.

Heard by consent.

2. By this petition, the petitioner is basically challenging the order dated 25.10.2002 passed by

respondent no.2, Committee for Scrutiny and Verification of Tribe Claims, Pune Division. The petitioner contends that she belongs to a Scheduled Tribe known as Mahadeo Koli. One of the main grievance in the petition is that the petitioner was not heard at all. It appears that some notices which were sent to the petitioner for such hearing were received by the petitioner after the date of hearing. Even the learned Asstt. Govt. Pleader as well as the learned counsel for respondent no.3 do not dispute that the petitioner was not heard in the above matter. In view thereof, only on this limited ground that the petitioner was not heard in the above matter before the impugned order was passed by respondent no.2 Committee, without going into the merits and demerits, we quash and set aside the impugned order and remand the matter to respondent no.2 Committee to consider the entire issue afresh. All issues and contentions are kept expressly open. The petitioner shall appear before respondent no.2 Committee on 5.11.2004 on which date the said Committee shall fix the schedule of hearing. Respondent no.2 Committee is directed to dispose of the matter as expeditiously as possible, preferably on or before 30.4.2005.

3. The rule is made absolute in the above terms. In the event any order adverse to the petitioner is passed by

respondent no.2 Committee, the same shall not be given effect to for a period of four weeks from the date of communication of the same to the petitioner.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)